

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SAP AG and SAP America, Inc.,

Plaintiff,

-against-

Datatern, Inc.,

Defendant.

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USDC SDNY

DOCUMENT

ELECTRONICALLY FILED 08/19/2014

11 **CIVIL** 2648 (KBF)

**JUDGMENT**

Plaintiff SAP AG and SAP America, Inc. (collectively “SAP”) having filed a motion for summary judgment (Doc. #166) on noninfringement of U.S. Pat. No. 5,937,402 (“the ‘402 patent”) and U.S. Patent No. 6,101,502 (“the ‘502 patent”), and Plaintiff SAP having filed a motion to enjoin (Doc. #192), and the matter having come before the Honorable Katherine B. Forrest, United States District Judge, having rendered its Order (Doc. #249) granting Plaintiff SAP AG and SAP America, Inc.’s motion for summary judgment of noninfringement of U.S. Pat. No. 5,937,402 (“the ‘402 patent”) and the U.S. Patent No. 6,101,502 (“the ‘502 patent”) with respect to SAP’s BusinessObjects products; and also granting Plaintiffs SAP’s motion to enjoin Data Tern, Inc. with respect to SAP’s BusinessObjects products and the injunction is modified to the following extent: Data Tern, Inc., and all attorneys or other persons in active concert or participation with Data Tern, Inc., are enjoined from directly or indirectly charging infringement, or instituting any further action for infringement of the ‘402 or ‘502 Patents against SAP or any of its customers, licensees, distributors, users, or suppliers in connection with SAP’s BusinessObjects products, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated August 19, 2014, Plaintiffs SAP AG and SAP America, Inc.’s motion for summary judgment of noninfringement of U.S. Pat. No. 5,937,402 (“the ‘402 patent”) and the U.S.

Patent No. 6,101,502 (“the ‘502 patent”) are granted with respect to SAP’s BusinessObjects products; and Plaintiffs SAP’s motion to enjoin Data Tern, Inc. Is granted with respect to SAP’s BusinessObjects products and the injunction is modified to the following extent: Data Tern, Inc., and all attorneys or other persons in active concert or participation with Data Tern, Inc., are enjoined from directly or indirectly charging infringement, or instituting any further action for infringement of the ‘402 or ‘502 Patents against SAP or any of its customers, licensees, distributors, users, or suppliers in connection with SAP’s BusinessObjects products.

**Dated:** New York, New York  
August 19, 2014

**RUBY J. KRAJICK**

**BY:** Clerk of Court  
*K. Mango*  
Deputy Clerk